



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 21st February, 2024

No. LLE. 25/2024/40.- The following Bills were introduced in the House on **21st February, 2024** along with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information. You are, therefore, requested to download all the Bills from Official website of Assam Legislative Assembly mentioned below:

THE HEALING (PREVENTION OF EVIL) PRACTICES BILL, 2024

A

BILL

Preamble to bring social awakening in the society and to create healthy, science-based knowledge and safe social environment to protect human health against the evil and sinister practices thriving on ignorance and ill health of people to eradicate the non-scientific healing practices with ulterior motives for exploiting the innocent people and thereby destroying the fiber of the public health of the society for matters connected therewith or incidental thereto.

It is hereby enacted in the Seventy-fifth Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Assam Healing (Prevention of Evil) Practices Act, 2024.
- (2) It extends to the whole of the State of Assam.
- (3) It shall be come into force at once.

Definitions

2. In the Act, unless the context otherwise requires -
 - (a) “evil practices” means commission of any act of healing practices and magic healing, by any person, with a sinister motive to exploit common people.
 - (b) “Government” means the Government of Assam.
 - (c) “healing and healing practices” means a traditional holistic approach to heal body, mind and spirit of human being with traditional medicine and art, including any system, treatment, diagnosis, or practice for ascertainment, cure, relief, correction of any human disease, ailment, deformity, injury or enhancement of a condition or appearance.
 - (d) “offender” means any person who has contravened any of the provisions of this Act or has committed any act constituting the offence as mentioned in the Act.
 - (e) “prescribed” means prescribed in rules framed under the Act.
 - (f) “victim” means a person who is grievously harmed or injured physically or mentally or exploited financially or whose dignity is offended by the commission of an offence under this Act.

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| Prohibition of healing practices for treatment of certain diseases and health disorder | 3. Subject to the provisions of this Act, no person shall take any part in healing practices and magical healing propagation for treatment of any diseases, any disorder or any condition relating to the health of a person (relating to human body) directly or indirectly giving a false impression of treatment to cure diseases, pain or trouble to the human health. |
| Prohibition of misleading advertisement of for healing practices | 4. No person shall take any part in any sort of advertisement relating to any kind of medicine, remedy directly or indirectly relating to any false claim or misleading to any particular material. |
| Prevention and eradication of evil healing practices | 5. From the commencement of this Act, commission of any act of inhuman, evil or magical healing or propagation or promotion of such practices or black magic acts in violation of the provisions of the Act by any person himself or through other person shall constitute an offence under the provisions of the Act and person guilty of such offence shall be punishable. |
| Penalty | 6. Whoever contravenes any of the provisions of this Act or the rules made thereunder shall on conviction be punishable, <ul style="list-style-type: none"> (a) in case of first offence, with imprisonment for one year which may be extend up to three years or with fine of fifty thousand or with both; (b) in case of a subsequent conviction, with imprisonment which may extend upto five years, or with fine of one lakh or both. |
| Offences to be cognizable | 7. Notwithstanding anything contained in the Code of Criminal Procedure 1973 or the Bharatiya Nagarik Suraksha Sanhita 2023, an offence punishable under this Act shall be cognizable and non-bailable. |
| Power to enter, inspect, search, seize and detain | 8. <ul style="list-style-type: none"> (1) For the purpose of embracing the provisions of the Act, a Police Officer not below the rank of Sub-Inspector have the power to enter and inspect any practices within the local limit of jurisdiction of such person where he has reason to believe that an offence under this Act has been or is likely to be committed. (2) Seize any advertisement, for which they have reason to believe, is in contravention to the provisions of the Act. (3) Examine any record, register, document or any other object found in any place mentioned in sub-section (1) and seize the same if, he has reason to believe that it may furnish evidence of the commission of an offence punishable under the Act. |

Central Act
No. 2 of 1974
Central Act
No. 46 of
2023

Vigilance Officer 9. (1) The State Government may by notification in the Official Gazette and subject to such terms and conditions as may be specified in the notification, appoint for any one or more police stations as may be specified in the notification, one or more police officers to be known as the vigilance officer:

Provided that such officer shall not be below the rank of the Sub-Inspector of Police.

(2) It shall be the duty of the vigilance officer,-

(i) to detect and prevent the contravention or violation of the provision of this Act and the rules made there under, in the area of his jurisdiction and report such cases to the nearest police station within the area of jurisdiction and upon filing of complaint to the police station by any victim or member of his family to ensure due and speedy action thereon and to give necessary advice, guidance and help to concerned police station;

(ii) to collect evidence for the effective prosecution of persons contravening the provisions of this Act and to report the same to the police station of the area in which such contravention has been or is being committed; and

(iii) to discharge such other functions as may be assigned to him from time to time by the State Government by general or special order issued in this behalf.

(3) Any person who obstructs the discharge of official duties or the work of the vigilance officer, appointed under sub-section (1), shall on conviction be punished with imprisonment for a term which may extend to two years or with fine which may be extended to twenty five thousand rupees or with both.

(4) The vigilance officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 or sub-section (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

Central Act
No. 45 of 1860

Central Act
No. 45 of 2023

Awareness
Programmes

10. The Government may undertake awareness programme to bring awareness in the society about the ill effects of inhuman, evil practices and to provide proper medical help or relief to the injured person or victims in Government Hospitals in such manner as may be prescribed and designate such authority to provide such relief by notification published in the Official Gazette.

Jurisdiction to
try offence

11. All cases relating to the violation of section 3, 4 and 5 shall be before such court within the limit of whose

	jurisdiction the offender or accused resides at the time of the commission of the offence or where the offence has been committed.	
Officers deemed to be public servant	12. All officers and other persons exercising powers under this Act shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860, or sub-section (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.	Central Act No. 45 of 1860 Central Act No. 45 of 2023
Indemnity	13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith done or intended to be done under this Act.	
Other laws not affected	14. The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.	
Protection of Persons	15. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.	
Power to make rules	16. The State Government may by notification published in the Official Gazette, make rules for carrying out the purposes of the Act.	
Overriding effect	17. Notwithstanding anything contained in other law for the time being in force this Act shall take effect and prevail.	

STATEMENT OF OBJECT AND REASONS

Assam Healing (Prevention of Evil) Practices Bill, 2024 aims to bring social awakening in the society and to create healthy, science-based knowledge and safe environment to protect human health against the evil and sinister practices thriving on ignorance and ill-health of people to eradicate the non-scientific healing practices with ulterior motives for exploiting the innocent people and thereby destroying the fiber of the public health of the society.

As per the Bill, no person shall take any part in healing practices and magical healing propagation for treatment of any diseases, any disorder or any condition relating to the health of a person (relating to human body) directly or indirectly giving a false impression of treatment to cure diseases, pain or trouble to the human health.

No person shall take any part in any sort of advertisement relating to any kind of medicine, remedy directly or indirectly relating to any false claim to cure diseases through healing practices.

The commission of any act of inhuman, evil or magical healing or propagation or promotion of such practices or black magic acts by any person himself or through other person shall be an offence under the provisions of this Bill and is punishable.

The evil practice of magical healing by any person with a sinister motive to exploit common people is a cognizable and non-bailable offence under the said Bill and the punishment will range with an imprisonment for one year which may be extended upto three years or with fine of rupees fifty thousand or with both. Further, in case of the subsequent conviction of a person, the punishment will extend upto five years, or with fine of one lakh or both.

There shall be Vigilance Officer to check such evil healing practices or magical healing.

The Assam Healing (Prevention of Evil) Practices Bill, 2024 has been framed to stop the propagation of the evil practices of magical healing in the name of treatment which pose a serious problem to the health of a person both physically and mentally.

The Bill seeks to achieve the above objectives.

HIMANTA BISWA SARMA,
Minister for Home & Political Department.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There will be no financial implication.

HIMANTA BISWA SARMA,
Minister for Home & Political Department.

MEMORANDUM REGARDING LEGISLATION

Section 3 of the Bill empowers the Government to prohibit evil or magical healing practices for treatment of certain diseases and health disorder.

Section 4 of the Bill empowers the Government to prohibit misleading advertisement for evil or magical healing practices.

Section 5 of the Bill empowers the Government to impose punishment to any person for any act of inhuman, evil or magical healing or propagation or promotion of such practices or black magic acts.

Section 6 of the Bill empowers the Government impose punishment for such evil or magical healing practices with imprisonment for one year which may extend upto three years or with fine of rupees fifty thousand or with both. In case of subsequent conviction of a person, the imprisonment may extend upto five years or with fine of Rs. one lakh or both.

Section 9 of the Bill empowers the Government to nominate the Police Officers as Vigilance Officer.

Section 16 of the Bill empowers the Government to frame Rules to carry out the provisions of the said Bill.

HIMANTA BISWA SARMA,
Minister for Home & Political Department.

**THE ASSAM VILLAGE DEFENCE ORGANISATION
(AMENDMENT) BILL, 2024**

A

BILL

further to amend the Assam Village Defence Organisation Act, 1966.

Preamble

Whereas it is expedient further to amend the Assam Village Defence Organisation Act, 1966, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

**Assam
Act
XXII of
1966**

It is hereby enacted in the Seventy-fifth Year of the Republic of India, as follows:-

**Short title,
extent and
commencement**

1. (1) This Act may be called the Assam Village Defence Organisation (Amendment) Act, 2024.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

**Amendment of
section 2**

2. In the principal Act, in section 2,
 - (i) for clause (b), the following shall be substituted, namely:-

“(b) “Adviser” means the Honorary Chief Adviser, Honorary Deputy Adviser and Honorary Adviser and such other persons who may be appointed by the Government to act as advisers of the organisations at State level, District-level and Sub-District level.
 - (ii) for clause (d), the following shall be substituted, namely:-

“(d) “Chief Controller” means any officer not below the rank of Deputy Inspector General of Police appointed by the State Government as Chief Controller, who holding the post as ex-officio Officer.”
 - (iii) for clause (e), the following shall be substituted, namely:-

“(e) “District Village Defence Officer” means the Superintendent of Police of the concerned district.”
 - (iv) for clause (j), the following shall be substituted, namely:-

“(j) “Thana Village Defence Officer” means the Officer-in-Charge of the Thana.”
 - (v) after clause (j), the following new clause, shall be inserted, namely:-

“(k) “Head” means Head of the Assam Village Defence Organisation who shall be the Director General of Police (DGP), Assam.

Amendment of section 4

3. In the principal Act, in section 4,—
- (i) in clause (a), in the second line, in between the words and punctuation mark “order,” and “peace”, the words “internal security and” shall be inserted;
- (ii) for clause (b), the following shall be substituted, namely:-
- “(b) to give information to the police about the particulars of all the persons suspected or accused of any cognizable offence or any other anti-national or anti-social acts, and about the commission of such offences or acts, or about escaped prisoners or absconders.”
- (iii) for clause (e), the following shall be substituted, namely:-
- “(e) to do any other developmental, social, cultural, sports activities, as may be assigned or required or directed by the higher authority.”

Amendment of section 5

4. In the principal Act, in section 5, in sub-section (1), for the punctuation mark “.” appearing at the end the punctuation mark “:” shall be substituted and thereafter the following provisos shall be inserted, namely :-

“Provided that in every such Primary Committee the Thana Village Defence Officer and Circle Organiser of the Village Defence Organisation shall be ex-officio members :

Provided further that the engagement of President, Secretary, Naik or other members of the Primary Committee of the Organisation shall be after proper police verification.”

Amendment of section 8

5. In the principal Act, in section 8, for sub-section (1), the following shall be substituted, namely:-

“(1) The Administration and Control of the Village Defence Organisation in the State shall be vested with the Chief Controller. He may be advised by the Honorary Chief Adviser appointed by the Government.”

Amendment of section 10

6. In the principal Act, for section 10, the following shall be substituted, namely:-

“10. No member of the organisation shall be entitled to any remuneration for the services rendered by them in the organisation but any commendable services including welfare work by any member may be rewarded as may

be prescribed. In addition to the normal duties, if any Village Defence Party (VDP) or group of Village Defence Parties, have been entrusted with specific tasks involving requirement of expert and long drawn exercises, the Government may pay adequate financial support for the same to mitigate the expenses of the Village Defence Parties (VDP) in discharging their duties, the State Government shall grant honorarium following such procedure as may be prescribed.”

STATEMENT OF OBJECTS AND REASONS

The proposed Assam Village Defence Organisation (Amendment) Bill, 2024 seeks to amend relevant sections of the Assam Village Defence Organisation Act, 1966 pertaining to Definitions, Duties and Functions of the Organisation, Constitution of Primary Committees, Village Defence Parties, Selection of President and Secretary of Primary Committees and Naiks of Village Defence Parties, Administration and Control and Bar to Remuneration to further improve and strengthen the Assam Village Defence Organisation and to re-orient it to be responsive to the current changing scenario and to keep pace with new challenges faced by socio-economic and demographic changes.

Hence, the Bill.

HIMANTA BISWA SARMA,
Chief Minister
&
Minister-in-charge
Home & Political, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Department,
Dispur.

FINANCIAL MEMORANDUM

There is no financial implication in the proposed Amendment Bill.

MEMORANDUM OF DELEGATED LEGISLATION

It is proposed to delegate legislative power to the Executive in the proposed “Assam Village Defence Organisation (Amendment) Bill, 2024”.

HIMANTA BISWA SARMA,

Chief Minister

&

Minister-in-charge

Home & Political, Assam.

Extract of the provisions of the Assam Village Defence Organisation Act, 1966 and the corresponding amendment proposed

Sl. No.	Amendment Proposed in	Present Provision	Proposed Amendment
1	Section 2(b)	“Adviser” means the Honorary Chief Advisor or such other person who may be appointed to act as advisers by the State Government.	In the Principal Act, in Section 2, for clause (b), the following shall be substituted, namely:- “(b) “Adviser” means the Honorary Chief Advisor, Honorary Deputy Adviser and Honorary Adviser and such other persons who may be appointed by the Government to act as advisers of the organizations at State level, District-level and Sub-District level.
	Section 2(d)	“Chief Controller.” means a Deputy Inspector General of Police appointed as a “Chief Controller” by the State Government;	In the Principal Act, in Section 2, for clause (d), the following shall be substituted, namely:- “(d) “Chief Controller” means any officer not below the rank of Deputy Inspector General of Police appointed by the State Government as Chief Controller, who holding the post as ex-officio Officer.”
	Section 2(e)	“District Village Defence Officer” means the Superintendent of Police of the district concerned, or where there is no Superintendent of Police, the Deputy Commissioner of the District, as the case may be;	In the Principal Act, in section 2, for clause (e), the following shall be substituted, namely:- “(e) “District Village Defence Officer” means the Superintendent of Police of the concerned district.”
	Section 2(j)	“Thana Village Defence Officer” means the Sub-Inspector of Police in -charge of a Thana.	In the Principal Act, in section 2, for clause (j), the following shall be substituted, namely: “(j) “Thana Village Defence Officer” means the Officer-in-Charge of the Thana.
	Section 2(k)	NIL.	In the Principal Act, in Section 2, after clause (j), the following new clause, shall be inserted, namely: “(k) “Head” means Head of the Assam Village Defence Organisation who shall be the Director General of Police (DGP), Assam.
2	Section 4	Duties and functions of the Organisation:- The following shall be the functions of the Organisation, namely -	In the Principal Act, in Section 4,- (i) in clause (a), in the second line, in between the words and punctuation mark “order,” and “peace”, the words “internal security and” shall be inserted;

		<p>(a) to assist the police in the maintenance of law and order, peace and tranquility in the State of Assam;</p> <p>(b) to give information to the police about the particulars of all the persons suspected or accused of any cognizable offence or other anti State-acts, and about the commission of such offences or Acts, or about escaped convicts;</p> <p>(c) to prevent the commission of any cognizable offence;</p> <p>(d) to protect Government and other Public properties ;</p> <p>(e) to do other social work.</p>	<p>(ii) for clause (b), the following shall be substituted, namely:-</p> <p>“(b) to give information to the police about the particulars of all the persons suspected or accused of any cognizable offence or any other anti-national or anti-social acts, and about the commission of such offences or acts, or about escaped prisoners or absconders.”</p> <p>(iii) for clause (e), the following shall be substituted, namely:-</p> <p>“(e) to do any other developmental, social, cultural, sports activities, as may be assigned or required or directed by the higher authority.”</p>
3	Section 5(1)	For every village or group of villages, as the District Village Defence Officer may determine, there shall be a Primary Committee of the Organization consisting of such number of adult members of the village or group of villages, as may be prescribed.	<p>In the Principal Act, in Section 5, in sub-section (1), for the punctuation mark “.” appearing at the end the punctuation mark “:” shall be substituted and thereafter the following provisos shall be inserted, namely:-</p> <p>“Provided that in every such Primary Committee the Thana Village Defence Officer and Circle Organiser of the Village Defence Organisation shall be ex-officio members:</p> <p>Provided further that the engagement of President, Secretary, Naik or other members of the Primary Committee of the Organisation shall be after proper police verification.”</p>
4	Section 8 (1)	The administration and control of the Village Defence Organisation in the State shall be vested in Chief Controller. He may be advised by an Honorary Chief Adviser appointed by the Government.	<p>In the Principal Act, in Section 8, for sub-section (1), the following shall be substituted, namely:-</p> <p>“(1) The Administration and Control of the Village Defence Organisation in the State shall be vested with the Chief Controller. He may be advised by the Honorary Chief Adviser appointed by the Government.”</p>
5	Section 10	Bar to remuneration:- No member of the organisation shall be entitled to any remuneration but commendable services including welfare work done by any member may be suitably rewarded as may be prescribed.	<p>In the Principal Act, for Section 10, the following shall be substituted, namely:-</p> <p>“10. No member of the organization shall be entitled to any remuneration for the services rendered by them in the organization but any commendable services including welfare work by</p>

			<p>any member may be rewarded as may be prescribed. In addition to the normal duties, if any Village Defence Party (VDP) or group of Village Defence Parties, have been entrusted with specific tasks involving requirement of expert and long drawn exercises, the Government may pay adequate financial support for the same to mitigate the expenses of the Village Defence Parties (VDP) in discharging their duties, the State Government shall grant honorarium following such procedure as may be prescribed.”</p>
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THE ASSAM MUNICIPAL (AMENDMENT) BILL, 2024**A****BILL**

further to amend the Assam Municipal Act, 1956.

Preamble	<p>Whereas it is expedient further to amend the Assam Municipal Act, 1956, hereinafter referred to as the principal Act, in the manner hereinafter appearing;</p> <p>It is hereby enacted in the Seventy-fifth Year of the Republic of India as follows:-</p>	Assam Act No XV of 1957
Short title and commencement	<p>1. (1) This Act may be called the Assam Municipal (Amendment) Act, 2024.</p> <p>(2) It shall have the like extent as the principal Act.</p> <p>(3) It shall come into force at once.</p>	
Amendment of section 46	<p>2. In the principal Act, in section 46, in sub-section (2),</p> <p>(i) in clause (i), after the words “and salaries,” the words and punctuation mark “as per provisions of section 50 and section 51” shall be inserted.</p> <p>(ii) clause (iv) shall be deleted.</p>	
Amendment of section 50	<p>3. In the principal Act, in section 50,</p> <p>(i) for sub-section (1), the following shall be substituted, namely:-</p> <p>“(1) (a) In addition to Officers appointed by the State Government under section 51, other employees and staff as may be necessary for proper and efficient discharge of the functions of the municipality may be appointed in the Board, in such manner and following such procedure as may be prescribed.</p> <p>(b) The appointment of officers and staff shall be as per prescribed staffing pattern and shall be as per provision of section 51 and no such post as may be specified by the State Government in this behalf shall be created or abolished and no appointment and dismissal and alteration in the emoluments thereof shall be made without the prior approval of the State Government.</p> <p>(c) The Board may, with prior permission of the State Government, engage subject specialists</p>	

and personnel on contract for specified period in such manner and for such terms and conditions as may be prescribed.”

- (ii) for sub-section (2), the following shall be substituted, namely :-

“(2) Every employee or officer of the Board, in consequence of any disciplinary action against him by the Executive officer, may appeal against such order to a competent authority as may be notified by the State Government. In all such cases the provisions of the discipline and appeal rules as applicable to all other government employees shall be applicable.”

Amendment of section 51 4. In the principal Act, for section 51, the following shall be substituted, namely :-

“Service condition of employees of Municipality

51. (1) The State Government may make rules in respect of qualification, appointment, leave, scale of pay, all allowances, retirement, dismissal, removal and other service conditions of employees of Municipality and officers other than a member of the State Municipal Service.
- (2) Every officer or staff employed under this Act shall be governed by discipline and conduct rules which are made applicable to other State Government employees, unless separate rules are made by the State Government.
- (3) If the State Government is of the opinion that stoppage or the cessation of the performance of any of the essential services shall be prejudicial to the safety or health or the maintenance of services essential to the life of the community in the Municipality, it may, by notification, declare that an emergency exists in the Municipality and that in consequence thereof no member, officer and employee of such essential municipal services and for such period as may be specified in the notification shall,
- (a) withdraw or absent himself from his duties otherwise than on leave duly granted; or
- (b) neglect or refuse or refrain to perform his duties or willfully perform them in an inefficient manner.”

Amendment of section 52 5. In the principal Act, for section 52, the following shall be substituted, namely:-

“Appointment of Executive Officer

52. (1) There shall be an Executive Officer in every municipality who shall be appointed by the State Government and shall act as the Principal Municipal Officer of the Municipality and all other officers and employees of the Municipality shall be subordinate to him. The Executive Officer shall not be a member of the Board, but shall be a whole-time officer of the Board and shall have the right to attend all the meetings of the Board without any right of voting.
- (2) The executive power for the purpose of carrying out the provisions of this Act shall be vested in the Executive Officer, who shall perform such duties and exercise such powers as may be prescribed.
- (3) Any of the powers, duties or functions conferred or imposed upon or vested in the Executive Officer by this Act may be exercised, performed or discharged under the control of the Executive Officer and subject to his superintendence and also subject to such conditions and limitations, if any, as he may think fit to determine, and may delegate to any Municipal Staff whom the Executive Officer may generally or specially empower in writing in this behalf.
- (4) Subject to the provisions of section 53, the recruitment and conditions of service including pay and allowances of the Executive Officer shall be in such manner as may be prescribed.
- (5) The State Government may grant leave of absence to the Executive Officer as per leave rules. During any such leave of absence granted to the Executive Officer, the State Government may depute another person to act as an Executive Officer for carrying out the duties and functions of the Executive Officer as may be necessary.
- (6) The Executive Officer may in case of emergency direct the execution of any work or doing of any act which ordinarily requires the approval, sanction, concurrence or consent of the Board or the Chairman and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the public, or for the

prevention of extensive damage to any property of the Board, and may direct that expenses for executing the work or doing the act shall be paid from the Municipal Fund:

Provided that the Executive Officer shall report forthwith to the Chairman of the Board, the action taken under this section and the reason thereof.

- (7) The Executive Officer shall be responsible for the custody of all records of the Board including all papers and documents connected with the proceedings of the Board, the Standing Committees, and other Committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.
- (8) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Executive Officer shall prepare a detailed administration report on the preceding year in such form as may be prescribed. The Board shall consider the report and forward the same to the Government with their resolution thereon if any. Copies of the administration report shall be made available in the website of the concerned municipality.”

Amendment of section 53 6. In the principal Act, for the section 53, the following shall be substituted, namely:-

“Constitution of the state municipal services

53. (1) If, the state Government is of the opinion that it is necessary and expedient so to do for bringing about a uniform and a more efficient service of the municipalities for the purpose of carrying out the business and duties under this Act, notwithstanding contained in the Act may create, the municipal services namely:-
- (a) Assam Urban Administrative Service,
 - (b) Assam Urban Financial Service, and
 - (c) Assam Urban Engineering Service.
- (2) The State Government shall appoint Executive Officers and such other officers, as may be required for each and every municipality from the cadre of Assam Urban Administrative Service or appoint any person not below the rank of Sub Divisional Officer (Sadar):

Provided that one Executive Officer may be appointed in charge of more than one Municipality.

- (3) The State Government shall appoint Urban Technical Officers and Financial Management Officers, as may be required for each and every Municipality from the Assam Urban Engineering Service and Assam Urban Financial Service respectively.
- (4) The qualification, recruitment, appointment, promotion and conditions of service including pay and allowances and other service conditions of different cadres of the services shall be in the manner as may be prescribed.
- (5) The salary, allowances, gratuity, retirement, pension contribution and other payments required to be made to the members of the State municipal cadre shall be paid by the State Government.
- (6) The State Government may transfer any member of the state municipal services of the State from one Municipality to another Municipality.
- (7) The power to appoint officers of any municipal service constituted under this section including promotions, transfers and powers in relation to all matters regarding their conditions of service shall vest in the state Government."

Amendment of section 61 7. In the principal Act, for the section 61, the following shall be substituted, namely:-

"Financial power of the Municipality

61. (1) Unless otherwise specified by the state Government, all financial releases from Municipal Fund shall be signed by the Executive Officer and the Financial Management Officer.
- (2) The Board, Chairman and Executive Officer shall exercise such financial powers as may be prescribed."

Insertion of new sections 8. In the principal Act, after section 61, the following new section 61A shall be inserted, namely:-

"Technical Power of Urban Technical Officer

- 61A. Urban Technical Officer shall be the Principal Technical Officer of the Municipality for all development works, who shall act under the supervision of the Executive Officer and shall exercise such technical powers in such manner as may be prescribed."

- Amendment of section 64
9. In the principal Act, for section 64, the following shall be substituted, namely:-
- “64. (1) The Board may enter into and perform any contract necessary for the purpose of implementing the provisions of the Act in such manner as may be prescribed;
- (2) The Executive Officer shall execute and sign every contract on behalf of the Board.”
- Amendment of section 67A
10. In the principal Act, for section 67 A, the following shall be substituted, namely:-
- “67A. The Financial Management Officer shall be the Principal Financial Management Officer of the Municipality, who shall act under the supervision of the Executive Officer and prepare and maintain accounts of receipts and expenditure of the Municipality for a financial year in such form and in such manner, as may be prescribed.”
- Amendment of section 67 B
11. In the principal Act, in section 67 B, in sub-section (1), in the first line, for the words “Chief Municipal Officer” appearing in between the words “The” and “shall”, the words “Financial Management Officer under overall supervision of the Executive Officer” shall be substituted.
- Amendment of section 67 C
12. In the principal Act, in section 67 C, in sub-section (1), in the first line, for the words “Chief Municipal Officer” appearing in between the words “The” and “shall, within”, the words “Financial Management Officer under overall supervision of the Executive Officer” shall be substituted.
- Amendment of section 67 D
13. In the principal Act, in section 67 D, in third line, for the words “Chief Municipal Officer” appearing in between the words “by the” and “before the”, the words “Executive Officer” shall be substituted.
- Amendment of section 67 E
14. In the principal Act, in section 67 E, in sub-section (5), in the first line, for the words “Chief Municipal Officer” appearing in between the words “The” and “shall submit”, the words “Executive Officer” shall be substituted.
- Amendment of section 67 F
15. In the principal Act, in section 67-F, in sub-section (1), for the words “Chief Municipal Officer” appearing at the end, the words “Executive Officer” shall be substituted.

- Amendment of section 67 G
16. In the principal Act, in section 67 G,
- (i) in sub-section (1), in first line, for the words “Chief Municipal Officer” appearing in between the words “The” and “shall”, the words “Executive Officer” shall be substituted.
 - (ii) in sub-section (2), in the first line, for the words “Chief Municipal” Officer appearing in between the words “The” and “shall remedy”, the words “Executive Officer assisted by Financial Management Officer” shall be substituted.
- Amendment of section 67 H
17. In the principal Act, in section 67 H, in sub-section (1), in first line, for the words “Chief Municipal Officer” appearing in between the words “The” and “shall”, the words “Executive Officer” shall be substituted.
- Amendment of section 187
18. In the principal Act, in section 187, in the third line, in sub-section (1), the words “Health Officer” appearing in between the words “Health or” and “certifies”, shall be deleted.
- Amendment of section 252
19. In the principal Act, in section 252, in sub-section (2), in the fourth line, the words “Health Officer” appearing in between the words “Surgeon or” and “to be”, shall be deleted.

STATEMENT OF OBJECTS AND REASONS

The Assam Municipal (Amendment) Act 2017 has created provision of three Municipal Services-

- i. The Assam Urban Administrative Service
- ii. The Assam Urban Engineering Service
- iii. The Assam Urban Financial Service.

With the creation of the above Municipal Cadres, it is essential to define powers including roles and responsibilities through adequate legal provisions in the Assam Municipal Act, 1956 through amendment.

The Assam Municipal (Amendment) Bill, 2024 seeks to amend Section 46, 50, 51, 52, 53, 61, 64, 67A, 67B, 67C, 67D, 67E, 67F, 67G, 67H, 187, 252 of the Assam Municipal Act, 1956 (Assam Act No. XV of 1957) and insert new Section 61-A. The Bill seeks to amend the Assam Municipal Act, 1956 for defining the roles and responsibilities of the above three State Municipal Cadre.

The proposed amendment shall broadly address the following issues-

- a. Power of the Municipalities for appointment of staffs
- b. Modalities for appointment of staffs in the municipalities through approved staffing pattern of the ULBs.
- c. Rules to be framed for appointment of such municipal staffs
- d. Power of the state government over the Municipal employees
- e. Powers and functions of the Executive Officer (Urban administrative service).
- f. Roles and responsibilities of the Urban Engineering Service and Urban Financial service.

Hence, the Bill for the amendment of the above noted sections of the Assam Municipal Act, 1956.

ASHOK SINGHAL,

Minister,

Department of Housing and Urban Affairs, Assam.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill provides rule making powers to the Government under Section 51.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.